

MONTANA LEGISLATIVE HISTORY

Chapter 397 1997

Bill H 263 S \_\_\_\_\_ Original bill & history ✓ c

|                 |                                 |            |                 |                                 |            |
|-----------------|---------------------------------|------------|-----------------|---------------------------------|------------|
| H. Committee on | <u>Education &amp; Cultural</u> |            | S. Committee on | <u>Education &amp; Cultural</u> |            |
| Hearing Date(s) | <u>1-20</u>                     | <u>✓</u> c | Hearing Date(s) | <u>3-7</u>                      | <u>✓</u> c |
|                 | <u>1-24</u>                     | <u>✓</u> c |                 |                                 |            |
|                 |                                 |            |                 |                                 |            |
|                 |                                 |            |                 |                                 |            |
|                 |                                 |            |                 |                                 |            |
| Date Out        |                                 |            |                 |                                 |            |

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Did this bill originate in an interim committee? \_\_\_\_ Yes \_\_\_\_ No

Committee \_\_\_\_\_ Report \_\_\_\_\_

### LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

|      |                                               |    |    |
|------|-----------------------------------------------|----|----|
| 1/15 | FISCAL NOTE REQUESTED                         |    |    |
| 1/20 | FISCAL NOTE RECEIVED                          |    |    |
| 1/22 | FISCAL NOTE PRINTED                           |    |    |
| 1/23 | HEARING                                       |    |    |
| 1/29 | COMMITTEE REPORT—BILL PASSED AS AMENDED       |    |    |
| 1/31 | 2ND READING PASSED                            | 87 | 12 |
| 2/01 | 3RD READING PASSED                            | 88 | 10 |
|      | TRANSMITTED TO SENATE                         |    |    |
| 2/03 | FIRST READING                                 |    |    |
| 2/03 | REFERRED TO BUSINESS & INDUSTRY               |    |    |
| 3/06 | HEARING                                       |    |    |
| 3/07 | COMMITTEE REPORT—BILL CONCURRED               |    |    |
| 3/12 | 2ND READING CONCURRED                         | 35 | 15 |
| 3/13 | 3RD READING CONCURRED                         | 35 | 15 |
|      | RETURNED TO HOUSE                             |    |    |
| 3/15 | SIGNED BY SPEAKER                             |    |    |
| 3/15 | SIGNED BY PRESIDENT                           |    |    |
| 3/17 | TRANSMITTED TO GOVERNOR                       |    |    |
| 3/20 | SIGNED BY GOVERNOR                            |    |    |
|      | CHAPTER NUMBER 117                            |    |    |
|      | EFFECTIVE DATE: 03/20/97—SECTIONS 1-9 & 11-19 |    |    |
|      | EFFECTIVE DATE: 07/01/97—SECTION 10           |    |    |

HB 263 INTRODUCED BY DOWELL, ET AL.

LC0589 DRAFTER: MCCLURE

AUTHORIZE THE TRUSTEES OF A SCHOOL DISTRICT TO ENTER INTO A CONTRACT WITH THE TRUSTEES OF ANY SCHOOL DISTRICT WITHIN THE COUNTY OR WITH ANY SCHOOL DISTRICT IN AN ADJOINING COUNTY TO ISSUE BONDS FOR THE JOINT CONSTRUCTION OF A FACILITY

|      |                                            |    |    |
|------|--------------------------------------------|----|----|
| 1/15 | INTRODUCED                                 |    |    |
| 1/15 | FIRST READING                              |    |    |
| 1/15 | REFERRED TO EDUCATION & CULTURAL RESOURCES |    |    |
| 1/20 | HEARING                                    |    |    |
| 1/27 | COMMITTEE REPORT—BILL PASSED               |    |    |
| 1/29 | 2ND READING PASSED                         | 86 | 12 |
| 1/30 | 3RD READING PASSED                         | 85 | 14 |
|      | TRANSMITTED TO SENATE                      |    |    |
| 1/31 | FIRST READING                              |    |    |
| 1/31 | REFERRED TO EDUCATION & CULTURAL RESOURCES |    |    |
| 3/07 | HEARING                                    |    |    |
| 3/10 | COMMITTEE REPORT—BILL CONCURRED AS AMENDED |    |    |
| 3/13 | 2ND READING CONCURRED                      | 49 | 1  |
| 3/14 | 3RD READING CONCURRED                      | 44 | 5  |
|      | RETURNED TO HOUSE WITH AMENDMENTS          |    |    |
| 4/09 | 2ND READING AMENDMENTS CONCURRED           | 93 | 7  |
| 4/11 | 3RD READING CONCURRED AS AMENDED           | 79 | 18 |
| 4/17 | SIGNED BY SPEAKER                          |    |    |
| 4/17 | SIGNED BY PRESIDENT                        |    |    |
| 4/18 | TRANSMITTED TO GOVERNOR                    |    |    |
| 4/28 | SIGNED BY GOVERNOR                         |    |    |
|      | CHAPTER NUMBER 397                         |    |    |
|      | EFFECTIVE DATE: 10/01/97                   |    |    |

1  
2 INTRODUCED BY Donnell Nelson House BILL NO. 263  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE TRUSTEES OF A SCHOOL DISTRICT TO  
5 ENTER INTO A CONTRACT WITH THE TRUSTEES OF ANY SCHOOL DISTRICT WITHIN THE COUNTY OR  
6 WITH ANY SCHOOL DISTRICT IN AN ADJOINING COUNTY TO ISSUE BONDS FOR THE JOINT  
7 CONSTRUCTION OF A FACILITY; CLARIFYING THE INTERLOCAL AGREEMENTS LAW TO INCLUDE A  
8 REFERENCE TO JOINT BONDING AUTHORITY; AMENDING SECTIONS 7-11-104, 20-9-404, AND  
9 20-9-405, MCA; AND PROVIDING AN APPLICABILITY DATE."  
10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
12

13 Section 1. Section 7-11-104, MCA, is amended to read:

14 "7-11-104. Authorization to create interlocal agreements -- issuance of bonds for joint  
15 construction. ~~Any one~~ One or more public agencies may contract with any one or more other public  
16 agencies to perform any administrative service, activity, or undertaking, including the issuance of bonds  
17 for the joint construction of a facility under 20-9-404, which that any of ~~said the~~ public agencies entering  
18 into the contract is authorized by law to perform. ~~Such The~~ The contract ~~shall must~~ be authorized and approved  
19 by the governing body of each party to ~~said the~~ contract. ~~Such The~~ The contract ~~shall set forth must outline~~  
20 fully the purposes, powers, rights, obligations, and responsibilities of the contracting parties."  
21

22 Section 2. Section 20-9-404, MCA, is amended to read:

23 "20-9-404. Contracts and bonds for joint construction. The trustees of a school district may enter  
24 into a contract with the trustees of any school district within the county or with any school district in an  
25 adjoining county to provide for the joint construction of ~~vocational-technical-secondary schools~~ a facility  
26 upon ~~such~~ terms and conditions ~~as may be~~ mutually agreed upon between ~~such the~~ districts. The trustees  
27 of any district executing a contract in accordance with this section may levy taxes and issue bonds for the  
28 purpose of constructing the facilities authorized by this section."  
29

30 Section 3. Section 20-9-405, MCA, is amended to read:

"20-9-405. Proportional joint ownership -- disposition of moneys Money. The ~~vocational technical secondary school facility~~ constructed under 20-9-404 shall must be jointly owned by the school districts contributing to its construction in proportion to the contribution of each district. The sale or other disposition of a district's interest in the school shall must be made in accordance with 20-6-604. ~~Moneys~~ Money received from the sale or disposition of a district's interest in a ~~vocational technical secondary school~~ shall facility must be credited to the debt service fund, building fund, general fund, or any combination of these three funds, at the discretion of the trustees."

**NEW SECTION.** Section 4. **Applicability.** [This act] applies to contracts entered into after [the effective date of this act].

-END-

# HOUSE EDUCATION

Page 2

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ----- REREFERRED ---- DATE READ

|        |                  |      |                                                                              |                       |            |      |
|--------|------------------|------|------------------------------------------------------------------------------|-----------------------|------------|------|
| HB0221 | JORE, RICK       |      | ABOLISH COMPULSORY SCHOOL ENROLLMENT AND ATTENDANCE PROVISIONS               |                       |            |      |
|        | 1/10             | 1/20 |                                                                              | TABLED ON 01/24       | VOTE: 13-5 |      |
| HB0245 | SIMPKINS, DICK   |      | ALLOWING A CHILD TO LEAVE SCHOOL UPON COMPLETION OF THE 8TH GRADE            |                       |            |      |
|        | 1/13             | 1/22 |                                                                              | TABLED ON 01/29       | VOTE: 13-5 |      |
| HB0246 | SIMPKINS, DICK   |      | CLARIFYING DUTIES OF STATE & COUNTY SUPERINTENDENTS                          |                       |            |      |
|        | 1/13             | 1/20 | 02/14                                                                        | PASS AS AMENDED 01/29 | VOTE: 10-6 | 2/18 |
| HB0258 | SIMPKINS, DICK   |      | DEFINING PURPOSE OF PUBLIC EDUCATION                                         |                       |            |      |
|        | 1/15             | 1/22 |                                                                              | TABLED ON 01/22       | VOTE: 12-6 |      |
| HB0259 | HANSON, SONNY    |      | IMPLEMENT UNIFIED EDUCATION BUDGET AS CONTROL MECHANISM                      |                       |            |      |
|        | 1/15             | 1/22 |                                                                              | DO PASS 01/24         | VOTE: 12-6 | 1/27 |
| HB0263 | DOWELL, TIM      |      | CLARIFYING LAWS RELATING TO BONDS FOR JOINT CONSTRUCTION OF SCHOOL FACILITY  |                       |            |      |
|        | 1/15             | 1/20 |                                                                              | DO PASS 01/24         | VOTE: 18-0 | 1/27 |
| HB0280 | BOHLINGER, JOHN  |      | REQUIRED SERVICE BY CERTAIN MEDICAL & DENTAL STUDENTS OR REPAYMENT OF LOANS  |                       |            |      |
|        | 1/16             | 2/03 |                                                                              | TABLED ON 02/05       | VOTE: 18-0 |      |
| HB0282 | ANDERSON, SHIELL |      | ELIMINATE MANDATORY APPROVAL FOR CHILD WITH SIBLING ENROLLED OUT-OF-DISTRICT |                       |            |      |
|        | 1/17             | 1/24 |                                                                              | DO PASS 01/24         | VOTE: 15-3 | 2/07 |
| HB0314 | SIMPKINS, DICK   |      | ENCOURAGING A SCHOOL DISTRICT TO PROVIDE FIREARMS SAFETY EDUCATION           |                       |            |      |
|        | 1/22             | 1/29 |                                                                              | PASS AS AMENDED 01/31 | VOTE: 18-0 | 2/03 |
| HB0347 | LAWSON, BOB      |      | EXCEPT DISTRICT OPENING NEW SCHOOL FROM 4% LIMIT IN GENERAL FUND BUDGET      |                       |            |      |
|        | 1/24             | 1/31 |                                                                              | PASS AS AMENDED 01/31 | VOTE: 15-3 | 2/03 |
| HB0380 | SIMPKINS, DICK   |      | ESTABLISH SKILL REQUIREMENTS FOR GRADUATES OF 8TH AND 12TH GRADES            |                       |            |      |
|        | 1/28             | 2/03 |                                                                              | TABLED ON 02/05       | VOTE: 13-5 |      |
| HB0436 | DOWELL, TIM      |      | PROVIDE FOR PAID JURY DUTY LEAVE FOR SCHOOL TEACHERS                         |                       |            |      |
|        | 2/04             | 2/07 |                                                                              | DO PASS 02/14         | VOTE: 14-4 | 2/17 |

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON EDUCATION

Call to Order: By CHAIRMAN ALVIN A. ELLIS, JR., on January 20, 1997, at 3:00 P.M., in Room 312-1

#### ROLL CALL

##### Members Present:

Rep. Alvin A. Ellis, Jr., Chairman (R)  
Rep. Peggy Arnott, Vice Chairman (Majority) (R)  
Rep. Dan W. Harrington, Vice Chairman (Minority) (D)  
Rep. Paul Bankhead (R)  
Rep. Matt Denny (R)  
Rep. Kim Gillan (D)  
Rep. Antoinette R. Hagener (D)  
Rep. George Heavy Runner (D)  
Rep. Bob Lawson (R)  
Rep. Gay Ann Masolo (R)  
Rep. Linda McCulloch (D)  
Rep. Norm Mills (R)  
Rep. William Rehbein, Jr. (R)  
Rep. John "Sam" Rose (R)  
Rep. Richard D. Simpkins (R)  
Rep. Joe Tropila (D)  
Rep. Allan Walters (R)

Members Excused: Rep. Sam Kitzenberg

Members Absent: None.

Staff Present: Connie Erickson, Legislative Services Division  
Alberta Strachan, Committee Secretary

##### Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 183 (1/17/97); HB 263  
(1/15/97); HB 246 (1/14/97);  
HB 221 (1/14/97)

Executive Action: None.

#### HEARING ON HB 183

Opening Statement by Sponsor: REP. GAY ANN MASOLO, H.D. 40  
introduced the bill.

{Tape: 1; Side: 1; Approx. Time Count: .07; Comments: None.}

Proponents' Testimony:

Paul Spengler, Montana Emergency Disaster Association. EXHIBIT 1.

{Tape: 1; Side: 1; Approx. Time Count: 2.4; Comments: None.}

Bruce Lenner, Montana Fire Marshall.

{Tape: 1; Side: 1; Approx. Time Count: 2.4; Comments: None.}

Roberta Spangler, East Helena Eastgate School. EXHIBIT 2.

{Tape: 1; Side: 1; Approx. Time Count: 5.3; Comments: None.}

Tim Bergstrom, Montana State Fireman's Association.

{Tape: 1; Side: 1; Approx. Time Count: 6.1; Comments: None.}

Jim Greene, Department of Military Affairs.

{Tape: 1; Side: 1; Approx. Time Count: 7.5; Comments: None.}

Lance Melton, Montana School Board Association.

{Tape: 1; Side: 1; Approx. Time Count: 8.8; Comments: None.}

Dennis Parman, Legislative Committee, School Administrators Association.

{Tape: 1; Side: 1; Approx. Time Count: 9.5; Comments: None.}

Opponents' Testimony: None.

{Tape: 1; Side: 1; Approx. Time Count: 10.0; Comments: None.}

Informational Testimony: None.

Questions From Committee Members and Responses:

{Tape: 1; Side: 1; Approx. Time Count: 10.3; Comments: None.}

Closing by Sponsor: REP. MASOLO closes on the bill.

{Tape: 1; Side: 1; Approx. Time Count: 16.4; Comments: None.}

HEARING ON HB 263

Opening Statement by Sponsor: REP. TIM DOWELL, H.D. 78 introduced the bill.

{Tape: 1; Side: 1; Approx. Time Count: 17.2; Comments: None.}

Proponents' Testimony:

Dan Lybeck, School District 15. EXHIBIT 3.

{Tape: 1; Side: 1; Approx. Time Count: 18.9; Comments: None.}

Ron de Young, Kalispell School District.

{Tape: 1; Side: 1; Approx. Time Count: 20.6; Comments: None.}

Paul Jenkins, Kalispell School District.

{Tape: 1; Side: 1; Approx. Time Count: 25.9; Comments: None.}



Mark Leatzow, Smith Valley School District.

{Tape: 1; Side: 1; Approx. Time Count: 36.8; Comments: None.}

Loren Frazier, School Administrators Association. EXHIBIT 4.

{Tape: 1; Side: 1; Approx. Time Count: 28.8; Comments: Mr. Frazier submitted testimony from Donald R. Waldron.}

Lance Melton, Montana School Board Association.

{Tape: 1; Side: 1; Approx. Time Count: 30.0; Comments: None.}

Erik Feaver, Montana Education Association.

{Tape: 1; Side: 1; Approx. Time Count: 30.2; Comments: None.}

Dori Nielson, Office of Public Instruction.

{Tape: 1; Side: 1; Approx. Time Count: 30.4; Comments: None.}

Terry Minnow, Montana Teachers Association.

{Tape: 1; Side: 1; Approx. Time Count: 30.9; Comments: None.}

Opponents' Testimony: None.

{Tape: 1; Side: 1; Approx. Time Count: 31.5; Comments: None.}

Informational Testimony: None.

Questions From Committee Members and Responses:

{Tape: 1; Side: 1; Approx. Time Count: 32.0; Comments: None.}

Closing by Sponsor: REP. DOWELL closes on the bill.

{Tape: 1; Side: 1; Approx. Time Count: 33.2; Comments: None.}

#### HEARING ON HB 246

Opening Statement by Sponsor: REP. RICHARD SIMPKINS, H.D. 49 introduces the bill.

{Tape: 1; Side: 1; Approx. Time Count: 34.9; Comments: None.}

Proponents' Testimony: None.

{Tape: 1; Side: 1; Approx. Time Count: 37.0; Comments: None.}

Opponents' Testimony:

Dori Nielson, Office of Public Instruction.

{Tape: 1; Side: 1; Approx. Time Count: 37.4; Comments: None.}

Informational Testimony:

Lance Melton, Montana School Board Association. EXHIBIT 5.

{Tape: 1; Side: 1; Approx. Time Count: 39.2; Comments: None.}

Loren Frazier, Montana School Administrators Association.  
EXHIBIT 6.

{Tape: 1; Side: 1; Approx. Time Count: 41.2; Comments: None.}

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON EDUCATION

Call to Order: By CHAIRMAN ALVIN A. ELLIS, JR., on January 24, 1997, at 3:00 P.M., in Room 312-1.

#### ROLL CALL

##### Members Present:

Rep. Alvin A. Ellis, Jr., Chairman (R)  
Rep. Dan W. Harrington, Vice Chairman (Minority) (D)  
Rep. Paul Bankhead (R)  
Rep. Matt Denny (R)  
Rep. Kim Gillan (D)  
Rep. Antoinette R. Hagener (D)  
Rep. George Heavy Runner (D)  
Rep. Bob Lawson (R)  
Rep. Gay Ann Masolo (R)  
Rep. Linda McCulloch (D)  
Rep. Norm Mills (R)  
Rep. William Rehbein, Jr. (R)  
Rep. John "Sam" Rose (R)  
Rep. Joe Tropila (D)  
Rep. Allan Walters (R)

Members Excused: Rep. Peggy Arnott  
Rep. Sam Kitzenberg  
Rep. William Rehbein, Jr.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Services Division  
Alberta Strachan, Committee Secretary

##### Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 282 (1/20/97)  
Executive Action: HB 183; HB 206; HB 221; HB 259; HB 263.

#### HEARING ON HB 282

Opening Statement by Sponsor: REP. Shiell ANDERSON, H.D. 25 introduced the bill.

{Tape: 1; Side: 1; Approx. Time Count: 1.1.}

##### Proponents' Testimony:

Al Redfield, Chairman, Area School Board.

EXECUTIVE ACTION ON HB 221

Motion: REP. DENNY MOVED HB 221 DO PASS.

{Tape: 1; Side: 2; Approx. Time Count: 1.7.}

Discussion: CHAIRMAN ELLIS questioned REP. DENNY regarding the amendments which had previously been discussed at the hearing and REP. DENNY requested the amendments not be moved.

{Tape: 1; Side: 2; Approx. Time Count: 2.1.}

Motion/Vote: REP. HARRINGTON MOVED HB 221 DO NOT PASS. REP. MILLS MOVED HB 221 BE TABLED. Question was called. Roll call vote was taken. Motion carried 13-5 with REPS. ARNOTT, DENNY, REHBEIN, SIMPKINS and WALTERS voting no. REPS. KITZENBERG, ARNOTT and SIMPKINS voted by proxy.

{Tape: 1; Side: 2; Approx. Time Count: 2.9.}

EXECUTIVE ACTION ON HB 259

Motion: REP. MILLS MOVED HB 259 DO PASS.

{Tape: 1; Side: 2; Approx. Time Count: 6.3.}

Discussion:

{Tape: 1; Side: 2; Approx. Time Count: 6.8.}

Vote: Question was called. Roll call vote was taken. Motion carried 11-6 with REPS. HARRINGTON, GILLAN, HAGENER, HEAVY RUNNER, MCCULLOCH and TROPILA voting no. REP. KITZENBERG, ARNOTT and SIMPKINS voted by proxy.

{Tape: 1; Side: 2; Approx. Time Count: 10.5.}

EXECUTIVE ACTION ON HB 263

Motion/Vote: REP. HEAVY RUNNER MOVED HB 263 DO PASS. Question was called. Motion carried 18-0 with REPS. KITZENBERG, ARNOTT and SIMPKINS voting by proxy.

## SENATE EDUCATION &amp; CULTURAL RESOURCES

Page 2

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ----- REREFERRED ---- DATE READ

|        |                      |      |                                                                              |                  |      |
|--------|----------------------|------|------------------------------------------------------------------------------|------------------|------|
| HB0206 | MCCANN, MATT         |      | AUTHORIZE DISSOLUTION OF K-12 DISTRICT IF LOSS OF FEDERAL FUNDING RESULTS    |                  |      |
|        | 1/31                 | 2/10 | CONCUR                                                                       | 02/14 VOTE: 10-0 | 2/17 |
| HB0246 | SIMPKINS, DICK       |      | CLARIFYING DUTIES OF STATE & COUNTY SUPERINTENDENTS                          |                  |      |
|        | 3/03                 | 3/21 | TABLED ON                                                                    | 03/21 VOTE: 6-5  |      |
| HB0259 | HANSON, SONNY        |      | IMPLEMENT UNIFIED EDUCATION BUDGET AS CONTROL MECHANISM                      |                  |      |
|        | 1/31                 | 2/12 | TABLED ON                                                                    | 02/14 VOTE: 7-3  |      |
| HB0263 | DOWELL, TIM          |      | CLARIFYING LAWS RELATING TO BONDS FOR JOINT CONSTRUCTION OF SCHOOL FACILITY  |                  |      |
|        | 1/31                 | 3/07 | CONCUR AS AMENDED                                                            | 03/07 VOTE: 8-1  | 3/10 |
| HB0282 | ANDERSON, SHIELL     |      | ELIMINATE MANDATORY APPROVAL FOR CHILD WITH SIBLING ENROLLED OUT-OF-DISTRICT |                  |      |
|        | 2/11                 | 3/10 | TABLED ON                                                                    | 03/26 VOTE: 6-2  |      |
| HB0314 | SIMPKINS, DICK       |      | ENCOURAGING A SCHOOL DISTRICT TO PROVIDE FIREARMS SAFETY EDUCATION           |                  |      |
|        | 2/08                 | 3/10 | CONCUR                                                                       | 03/10 VOTE: 8-0  | 3/11 |
| HB0347 | LAWSON, BOB          |      | EXCEPT DISTRICT OPENING NEW SCHOOL FROM 4% LIMIT IN GENERAL FUND BUDGET      |                  |      |
|        | 2/08                 | 3/05 | TABLED ON                                                                    | 03/12 VOTE: 8-3  |      |
| HB0469 | BRAINARD, MATT       |      | REQUIRE SCHOOL LEVY AND FUNDING PROPS TO ELECTORS NO MORE THAN TWICE YEARLY  |                  |      |
|        | 3/04                 | 3/21 | TABLED ON                                                                    | 03/24 VOTE: 6-5  |      |
| HB0470 | HEAVY RUNNER, GEORGE |      | ALLOW BARGAINING AGREEMENTS TO PROVIDE CASH COMPENSATION FOR UNUSED LEAVE    |                  |      |
|        | 2/19                 | 3/12 | CONCUR                                                                       | 03/12 VOTE: 11-0 | 3/13 |
| HB0491 | REHBEIN, WILLIAM     |      | REVISE SCHOOL DISTRICT TERRITORY TRANSFER LAWS                               |                  |      |
|        | 3/04                 | 3/14 | CONCUR AS AMENDED                                                            | 03/19 VOTE: 11-0 | 3/20 |
| HB0523 | MCCULLOCH, LINDA     |      | CLARIFYING THE PENALTIES FOR SCHOOL TRANSPORTATION VIOLATIONS                |                  |      |
|        | 3/04                 | 3/14 | CONCUR AS AMENDED                                                            | 03/26 VOTE: 10-0 | 3/27 |
| HB0542 | PECK, RAY            |      | GENERALLY REVISING OUT-OF-COUNTY TUITION LAWS                                |                  |      |
|        | 3/04                 | 3/17 | CONCUR AS AMENDED                                                            | 03/24 VOTE: 9-2  | 3/25 |

## MINUTES

### MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By VICE CHAIRMAN CASEY EMERSON in the absence of  
CHAIRMAN DARYL TOEWS, on March 7, 1997, at 3:38 p.m., in  
Room 402.

#### ROLL CALL

##### Members Present:

Sen. Daryl Toews, Chairman (R)  
Sen. C.A. Casey Emerson, Vice Chairman (R)  
Sen. Debbie Bowman Shea (D)  
Sen. Steve Doherty (D)  
Sen. Delwyn Gage (R)  
Sen. Wm. E. "Bill" Glaser (R)  
Sen. John R. Hertel (R)  
Sen. Loren Jenkins (R)  
Sen. Mike Sprague (R)  
Sen. Barry "Spook" Stang (D)  
Sen. Mignon Waterman (D)

Members Excused: None

Members Absent: None

Staff Present: Eddye McClure, Legislative Services Division  
Janice Soft, Committee Secretary

Please Note: These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

##### Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 263, HB 180; Posted 3/4/97  
Executive Action: HB 263 BE CONCURRED IN AS  
AMENDED, HB 192 TABLED, HB 79  
TABLED

#### HEARING ON HB 263

Sponsor: REP. TIM DOWELL, HD 78, Kalispell

Proponents: Ron deYoung, Fairmont School District  
Bob Benke, Rural Flathead Valley Administrators  
Phil Campbell, Montana Education

Opponents: None.

Opening Statement by Sponsor:

REP. TIM DOWELL, HD 78, Kalispell, said HB 263 allowed a couple school districts to voluntarily get together to form a new middle school district, which would allow all to more easily meet the needs of their students.

Proponents' Testimony:

Ron deYoung, Fairmont-Egan School District, said they had to build onto their schools a few years ago and would probably have to do so again, even before the levy for the last addition was paid off. He said area schools got together to see what could be done and decided they wanted local control for K-6, but realized they would be better off if they came together collectively for grades 7-8. Mr. deYoung maintained present law would not allow them to do that; therefore, they needed the flexibility of HB 263. He said Flathead County High School had the largest student population in Montana; in fact, only grades 10-12 could fit into the school. Ninth graders from Flathead County were in the city junior high in Kalispell, which meant Kalispell seventh graders attended school in a separate facility. Mr. deYoung explained they were attempting to build a second high school and were looking at a technology school similar to the one in Billings; at that time, all students in grades 9-12 would fit into the high schools and the Kalispell junior highers would return to their building. He stated the grades 7-8 overcrowding in the rural schools could be absorbed in the city and county schools for a short time only; therefore, another option in Flathead County might be to build a county-wide seventh and eighth grade junior high. He stressed even that was not an option under present law because they would not be able to maintain the K-6 local control. He reiterated either scenario needed the flexibility of HB 263; therefore, he asked for a vote of DO CONCUR.

Bob Benke, Rural Flathead Valley Administrators, said he represented all school districts in Montana who were experiencing rapid growth. He stated they were looking for the option of local control and powerful programs with small numbers of people. Mr. Benke said schools in the Flathead Valley were handling reduced funding through a variety of creative and cooperative ways; however, a program requiring technology, science labs, etc., needed specialized programs on a campus to address the educational needs. He shared how one of his teaching partners felt HB 263 would allow teachers to teach more effectively and would allow them to become specialists in the middle school and junior high grades. Mr. Benke reminded the Committee there were no financial implications with HB 263; all it asked was the ability to take control of education at the local level.

Phil Campbell, Montana Education Association (MEA), said they supported HB 263 because it allowed school districts the flexibility they needed. He recounted how districts now could

form special ed cooperatives but could not get together to have a joint building. He urged the Committee's support.

Opponents' Testimony: None.

{Tape: 1; Side: A; Approx. Time Count: 3:51 p.m.}

Questions From Committee Members and Responses:

SEN. MIGNON WATERMAN commented she missed where HB 263 was only addressed to middle schools and wondered if it was because of the section of law being amended. REP. TIM DOWELL agreed. SEN. WATERMAN wondered if HB 263 would allow districts who wanted to come together to form a math/science school, or would separate legislation be required. Eddye McClure said the bill was for bonding, but it didn't limit the funding to just K-12.

SEN. DELWYN GAGE asked if HB 263 would allow a bus barn for cooperating districts. Eddye McClure said it was narrowed down to a school building, i.e. let them build what needed to be built. He referred to Page 2, Line 4, and suggested "school" be changed to "facility."

SEN. CASEY EMERSON said he didn't see why it wouldn't be a good idea for the two districts to become one district. Ron deYoung said local districts liked to elect their own boards, and in his case, there would be about eight districts combining; therefore, the board would be elected from the eight districts to run the eight schools. He said it would probably be harder to get the levies passed because people liked the local communities.

SEN. EMERSON asked if there were potential board problems regarding agreement after the school was built. Ron deYoung said a separate facility may not need to be built because there could be one already available. He said the curriculum consortium in the rural schools had been effective because presently almost everyone was on the same curriculum, and would feed into the seventh and eighth grade track. He said there would be a separate board for the seventh and eighth grade and each school would have its own.

SEN. LOREN JENKINS asked about the building available and Mr. deYoung said it was a rural school located in a suburb of Kalispell. He said they were trying to acquire the flexibility ahead of time -- they would not be acting on it immediately. He also stressed it was only an option; other options were building a new school, go county-wide (have one district for two junior highs) or county-wide (build onto the Kalispell one).

SEN. JENKINS asked what HB 347 would do to HB 263. Eddye McClure said they would not need to be coordinated because HB 347 addressed schools which were still part of a district. Ron deYoung said districts received different funding for K-6 than for 7-8; however, this was not addressed in HB 263, so if the

bill passed, the funding would be another hurdle to get through. He explained it cost more to educate grades 7-8, and OPI paid more for them; however, the reality was that money helped to offset the lesser amount received for K-6. Therefore, when the grades 7-8 students were lost to the junior high, they would have to survive on the lower funding level, or new funding would have to be found.

SEN. DELWYN GAGE commented there were debt limits on school districts which would have to be addressed in the agreements. Eddy McClure agreed. SEN. GAGE wondered if the contract would give a specific amount each district would pay, and then what would happen if the levy went down in some but not in others. Ron deYoung said he wasn't sure how that would work; it was something they would have to work on.

SEN. CASEY EMERSON wondered what would happen if the population ratio would shift -- would it affect the amount the districts would have to pay or would the contract need to be rewritten. Ron deYoung assumed language would have to be written which would allow for varying payments, dependent on population proportions. Eddy McClure referred to a similar situation in Kalispell where one district didn't pass their bond; therefore, nothing happened. She said everybody had to participate and everything had to be lined out to the voters.

SEN. GAGE said he was concerned what could happen after the bonds were approved, the school was built and operating, but then went down.

{Tape: 1; Side: A; Approx. Time Count: 4:09 p.m.}

Closing by Sponsor:

REP. TIM DOWELL reiterated how HB 263 was voluntary because school districts didn't jump into things. He suggested HB 263 addressed how Montana could provide its students an opportunity to compete in this world.

He said SEN. LINDA NELSON would carry the bill.

VICE CHAIRMAN CASEY EMERSON relinquished the chair to CHAIRMAN DARYL TOEWS who had returned.

HEARING ON HB 180

Sponsor: REP. JOHN BOHLINGER, HD 14, Billings

Proponents: Arlene Hannawalt, Montana Guaranteed Student Loan  
Program (MGSLP)  
Mark Bryson, MGSLP Collector

Opponents: None



SEN. EMERSON wondered who "we" was when it was said "we buy the loan." Ms. Hannawalt said it was the Board of Regents through MGSLP. SEN. EMERSON commented he had discussed this with Ms. Hannawalt's boss earlier, and wondered why each university unit didn't handle its own loans as was the procedure years ago. He commented at that time if the loan was not paid, the transcript would not be available, and asked if HB 180 would allow the transcript to not be issued. Ms. Hannawalt said technically it could not be done because the money was owed to MGSLP and not the university. SEN. EMERSON remarked the money was not owed to the licensing bureau either and Ms. Hannawalt said that was true and that was why the legislature was being petitioned for help.

SEN. LOREN JENKINS asked how many of the 6,000 people who were in loan default currently worked outside Montana. Arlene Hannawalt said she did not have numbers. SEN. JENKINS commented HB 180 would not touch those out-of-state students who returned to their homes. Ms. Hannawalt said that was the reason reciprocity would be sought; eight states currently had this legislation and others were in the process of securing it.

SEN. JENKINS asked about the \$92,000+ owed as shown on (EXHIBIT 3), wondering how the figure could be so high. Ms. Hannawalt said it was possible through loans for all four undergraduate years as well as for graduate school.

SEN. STEVE DOHERTY wondered if HB 180 would be flawed if Section 3, Subsection (6) (immunity section) was removed and was told it would not.

*{Tape: 1; Side: B; Approx. Time Count: 4:44 p.m.}*

Closing by Sponsor:

REP. JOHN BOHLINGER said there was concern in the House HB 180 was too far-reaching and reminded the Committee the bill entered into diligent process to collect the money, i.e. phone calls, letters, attempts to contact the debtor. He referred to Page 3, Section 5, and said sensitivity to the debtor's circumstances was provided for. REP. BOHLINGER said the threat of license suspension was effective and said in North Dakota suspension notices were sent to 43 people, but only 9 were actually suspended. He reiterated how seven or eight states currently had the provisions of HB 180, and more states were undertaking such considerations. REP. BOHLINGER addressed SEN. DOHERTY'S question on immunity and said an amendment had been distributed to the Committee (EXHIBIT 4); however, it failed to get a 2/3 majority vote in the House.

EXECUTIVE ACTION ON HB 263

Motion: SEN. DEBBIE SHEA MOVED HB 263 BE CONCURRED IN.

Substitute Motion/Vote: SEN. DELWYN GAGE MOVED AMENDMENT HB026301.AEM BE CONCURRED IN (EXHIBIT 5). Motion CARRIED UNANIMOUSLY.

Discussion: SEN. BARRY "SPOOK" STANG said he would vote against HB 263 because if school districts got together to bond for the building, but one school district could not pass the operating levy to pay its operating share, the other school district could not carry the load. He expressed concern if that should happen, the districts would be back to the legislature to ask for various exemptions.

SEN. DEBBIE SHEA asked how that would be different from one school district having the same problem. SEN. STANG said there would not be a problem if there was one big district -- it would just have to cut back; however, this bill called for two districts, one of which might not be able to come up with its operating share.

SEN. DARYL TOEWS said HB 263 addressed the issue of bonding, which would take place. He said if the school was shut down because of no money, that would not be the legislature's concern. SEN. STANG still expressed a concern they would expect the legislature to "fix the problem."

SEN. STEVE DOHERTY referred to Section 1, which said the contracts had to be approved by the governing body of each party in the contract. He suggested the local school boards could figure that eventuality out and put something into the contract to protect themselves. SEN. STANG still maintained a concern future legislation would be requested.

SEN. CASEY EMERSON said he also could see some potential problems coming "down the pike"; however, they had to be allowed to solve them when they got there.

Vote: MOTION HB 263 BE CONCURRED IN AS AMENDED CARRIED 8-1, WITH SEN. BARRY "SPOOK" STANG VOTING NO. SEN. LINDA NELSON will carry HB 263.

#### EXECUTIVE ACTION ON HB 192

Motion: SEN. BARRY "SPOOK" STANG MOVED HB 192 BE NOT CONCURRED IN.

Discussion: SEN. STANG explained Amendments HB019201.AEM (EXHIBIT 6).

Substitute Motion/Vote: SEN. DEBBIE SHEA MOVED TO TABLE HB 192. Motion CARRIED 6-2 ON A ROLL CALL VOTE.